

City of Seattle
COMPREHENSIVE PLAN AMENDMENT APPLICATION – 2011-2012

Date: May 16, 2011

Applicant: Chris Leman

Mailing Address: 2370 Yale Avenue East

City: Seattle *State:* WA *Zip:* 98102-3310 *Phone:* (206) 322-5463

Email: cleman@oo.net

Name of general area, location, or site that would be affected by this proposed change in text (attach additional sheets if necessary): Seattle as a whole.

Applicant Signature:

A handwritten signature in black ink that reads "Chris Leman". The signature is written in a cursive, flowing style.

Date: 5/16/11

Attachment A

REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application

Please answer the following questions in text and attach them to the application. Supporting maps or graphics may be included. Please answer all questions separately and reference the question number in your answer. The Council will consider an application incomplete unless all the questions are answered. When proposing an amendment, you must show that a change to the Comprehensive Plan is required.

1. Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc.) you propose to amend.

To the Transportation Element, after policy T-69 add the following new policy: Minimize damage from vehicles that are heavier than would normally be allowed on Seattle's roads and bridges, especially those vehicles that are owned by the City, counties, Sound Transit, Seattle School District, or their contractors.

Explanation: According to engineering studies conducted by WSDOT, SDOT, and many universities and professional organizations, an unusual proportion of damage to our roads and bridges is caused by heavy vehicles. The damage increases exponentially with weight--that is, at heavy vehicle weights, a slight increase in weight causes a substantial increase in damage. Thus an unusual amount of damage is done by those vehicles that exceed the normal weight limits established by state law. Vehicles exceed the normal weight limits either because they are breaking the law, or because state or federal law includes exemptions that allow certain types of vehicles to be heavier than would normally be allowed.

According to studies that SDOT did more than 20 years ago, some of the worst damage to Seattle's roads and bridges is caused by extra-heavy Metro buses. This finding is echoed in other cities. Austin, Texas, for example, found recently that 70 to 90 percent of the damage to its arterials is caused by transit buses. The evidence is all around us, as the streets that the buses use have cracked the concrete pavement, and the asphalt pavement is curled up as if by a plow. The weight of these buses would cause them to be prohibited from our streets if the state legislature and then Congress had not completely exempted them from weight regulations. Seattle's streets and taxpayers are thus hostages to the bus purchasing choices of the counties, Sound Transit, the School District or their contractors. Although some of buses are within reasonable weight limits, most are not, including most that King County Metro

Attachment A

has purchased in recent years. The "hybrid electric" buses that are now popular are especially heavy because they are both diesel and battery/electric motor powered--and thus even when empty, are the heaviest vehicles on the road, with every trip doing measurable damage to Seattle's roads and bridges. Seattle has failed to communicate to Metro and the other public transit agencies a preference against extra-heavy buses that exceed normal weight limits and could not be on the road without a legislative exemption.

By contrast, the electric trolley buses are Metro's lightest. They are easily within normal weight limits and they do the least damage to Seattle streets. Unfortunately, the King County Metro study of the electric trolley buses that is now in progress fails to quantify or monetize the damage to streets and bridges done by the various types of buses in Metro's inventory. I was told recently by a staff member at Metro that this decision was made with the full knowledge and approval of an official in SDOT's public transit division. SDOT certainly should not be encouraging Metro not to quantify or monetize the road damage caused by its buses; SDOT should be urging Metro to conduct just such studies, and SDOT should be conducting such studies, as it did twenty years ago. This incident suggests either that SDOT's engineers are paying insufficient attention to the preservation of the City's roads and bridges, or that they are not being listened to by others at SDOT or higher in city government. As if any further evidence was needed, this incident shows the urgent need for the City Council and Mayor to declare in the Comprehensive Plan, as proposed here, a policy to "Minimize damage from vehicles that are heavier than would normally be allowed on Seattle's roads and bridges."

The other heaviest vehicles that are legally on the road are Seattle's own fire trucks, which enjoy a state exemption from any weight limits. No one questions that, in emergency runs, some road and bridge damage is acceptable. But most of the operation of Seattle's fire trucks at weights that require use of this legislative exemption is other than during emergency runs. Because Seattle has not acted to ensure reasonable limits on the Fire Department's non-emergency use of the legislative exemption on truck weight, damage to roads and bridges from extra-heavy fire trucks is much more extensive than is necessary for public safety, and there is no incentive for the Fire Department to operate its trucks at weights that do not require the legislative exemption, or to purchase trucks and aid cars that do not require the legislative exemption.

Another very extensive instance of City-sponsored use of extra-heavy trucks are its contractors' garbage and recycling waste trucks, which under state law enjoy a special exemption allowing them to weigh considerably more than any other truck (other than fire trucks). Studies by the Washington State

Attachment A

Department of Transportation find that solid waste trucks do more road and bridge damage than any other kind of truck, and for this reason, WSDOT does not allow these trucks on state highways when they would need the special exemption for more weight. Seattle has no such prohibition, and does not even provide an incentive for its own solid waste contractors not to use the special exemption for more weight. These trucks are everywhere, especially on roads and alleys that are already in the worst shape, and for which there are virtually no restoration funds available from the Bridging the Gap levy, which are going almost exclusively to arterials.

If it chooses to exert it, the City has total control over the weights of the garbage and recycling trucks that operate under a detailed contract with the City. The City should either require its contractors not to operate at a weight more than the normal state limits (that is, so that they would not use the state's exception for overweight solid waste trucks), or should provide them financial incentives not to make use of this exception.

In 2001, after the author suggested this policy, Seattle Public Utilities' Solid Waste Contract Manager replied as follows:

Your suggestion on contract incentives to use smaller trucks is an excellent one. Our current contracts did not contain this incentive in the Request for Proposals and there is no contract language covering this issue. However, we can and will include this type of incentive in any new contract offerings. We could also ask for differing proposals and prices. One proposal and price would require that the contractors only use collection vehicles that do not exceed a certain weight. An alternate proposal could encourage the incentive of "bonus" payments if the use of large overweight trucks were kept to a minimum. Asking for two proposals and prices, one of which would be for light trucks, would enable the City to see the different collections prices and compare it to the cost of road deterioration/maintenance. Other advantages of using lighter, smaller trucks are that there should be fewer incidences of property damage and fewer trucks in a collection area (as a smaller truck can serve the narrow alleys and streets). It is unfortunate that we did not include this type of language in our current contracts. This issue was just not on our radar screen as we were preparing the RFP.

Unfortunately, this gentleman retired, and those who replaced him were not of the same mind. SPU's recent requests for proposals, and recent contracts, have contained none of the promised improvements.

Attachment A

The City's drain and sewer-cleaning vactor trucks reach the legal weight limit when they are only half full of water, and there is no legislative exemption available allowing them to be heavier. Yet it is common for the vactor trucks to be operated well over half full, at weights that are illegal and are causing serious damage to City streets. Illegal truck weights are also reached by City solid waste contractors, as SDOT and SPU found several years ago when the City Council asked for surprise weight checks, which showed that a number of the solid waste trucks were heavier than was allowed, even with the legislative exemption.

2. Describe how the issue is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

Policy T-70 commits the City to "pursue strategies to finance repair of road damage from heavy vehicles in a way that is equitable for Seattle's taxpayers." However, the Comprehensive Plan lacks any provision to discourage road damage from heavy vehicles *before* it happens. It is not rational to be concerned about road damage from heavy buses but to do nothing to prevent it. It is even harder to justify that some of the worst damage is being done by trucks that are owned by the City (such as fire trucks and drain and sewer-cleaning vactor trucks) or by its solid waste contractors.

It is much easier and wiser to prevent expensive damage than to try to fix it once it has occurred. Unfortunately, the Comprehensive Plan has a policy only to pursue funding from the agencies whose heavy vehicles cause damage to Seattle's roads and bridges, and no policy to discourage that damage from being done in the first place. The Comprehensive Plan is out of balance. This imbalance would be corrected by the current proposal, a new policy to "Minimize damage from vehicles that are heavier than would normally be allowed on Seattle's roads and bridges, especially those vehicles that are owned by the City, counties, Sound Transit, Seattle School District, or their contractors."

3. Describe why the proposed change meets the criteria adopted in Resolution 30662 for considering an amendment to the Comprehensive Plan. The criteria are listed at the end of this application form. Is a Comprehensive Plan amendment the best means for meeting the identified public need? What other options are there for meeting the identified public need?

This proposal policy protects the City's infrastructure, and it needs to be in the Comprehensive Plan. The Comprehensive Plan has many references to public infrastructure and how to fund its repair, but nothing really on how to prevent unnecessary damage in the first place. The current language

Attachment A

addresses only paying for the damage, and not the need to prevent the damage. Without the proposed change, the Comprehensive Plan's treatment of road damage from heavy vehicles does not make sense; it keeps taxpayers on the hook but does nothing to reduce the expensive damage that is at issue. Without this change, the Comprehensive Plan is unbalanced and incomplete.

Of course, it would be desirable for the Mayor to issue an executive order, for the City Council to pass an ordinance or resolution, and for SDOT to adopt various administrative policies, but none of these actions would obviate the need to amend the Comprehensive Plan. The ongoing purchase of super-heavy buses by Metro and other transit agencies, without any attempted intervention by any level of City government, shows that it is simply not working to leave this important new policy out of the Comprehensive Plan.

The current proposal is briefer and more focused than previous proposals that were proposed in 2008, 2009, and 2010 that were not moved forward in the initial threshold resolutions, and thus did not receive thorough study. In those previous years, the City Council never received detailed input from SDOT. The City Council needs to ensure that it hears directly from SDOT for its analysis and recommendations regarding the present proposal. As there are political constraints against the executive branch acknowledging the amount of road and bridge damage being done by extra-heavy vehicles, the City Council should not be afraid to seek outside advice, including from engineers in professional associations and universities.

Some have claimed that this issue should be addressed only in the Transportation Strategic Plan, not in the Seattle Comprehensive Plan. But oversight of compliance with the Transportation Strategic Plan is notoriously lax, with none of the enforcement mechanisms available for the Comprehensive Plan. Procedures for adopting, revising, and implementing the Transportation Strategic Plan are notoriously lax, with none of the procedural protections that apply to the Comprehensive Plan. Only the Comprehensive Plan is governed by state law, the Growth Management hearings boards and the courts, and only it has strong requirements for public notice and comment and against changing it more than once a year.

4. What do you anticipate will be the impacts caused by the change in text, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?

Expensive damage to our streets and bridges will be reduced by this change in the Comprehensive Plan. By avoiding unnecessary damage, funds that would otherwise be needed for repair will be available for other needs, or can stay in

Attachment A

the taxpayers' pockets. There will also be benefits to safety. Bridges will be less likely to fall, and roads will be safer to navigate for vehicles, bicycles, and pedestrians.

5. How would the proposed change comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? Please include any data, research, or reasoning that supports the proposed amendments.

The Comprehensive Plan is full of good rhetoric about proper stewardship of Seattle's capital facilities, but has not produced the proactive efforts that are needed to ensure protection of City infrastructure. This brief but important policy will give some practical and positive meaning and result to the rhetoric. The street damage from extra-heavy vehicles discussed above is well documented by many public agencies and academic researchers.

6. Is there public support for this proposed text amendments (i.e. have you conducted community meetings, etc.)? Note: The City will provide a public participation process, public notice, and environmental review for all applications.

Because of the cost of this unnecessary bus and truck damage to Seattle's roads and bridges, taxpayers will support this text amendment by a wide margin. When, under the leadership of City Council President Jeannette Williams, Seattle pressed this issue with Metro in the 1980s, it received wide public support. It has been almost 30 years since Seattle City government has fostered serious study and discussion of the issue, and when it does, the wide public support will be clear.

A failure of Seattle to act on this issue has caused hundreds of millions of dollars in unnecessary road damage, some of it self-inflicted by government vehicles. Not to adopt this amendment will condemn the City to continued unnecessary road damage to its roads, at the very time when maintenance funds are tight and public confidence is needed to enlarge them. "When you are in a hole, the first thing is to stop digging." By adopting this Comprehensive Plan amendment, the City will and must take that first step to stop the unnecessary damage to its streets and bridges.